



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

**Docket:** **DCAB 2011-10: What is the definition of an ‘existing facility’ as used within the context of the 2004 ADAAG?**

**Summary:** While used in the 2004 ADAAG, the term “existing facility” is not defined. Both “new construction” and “alterations” can occur within existing facilities. It is important that the term “existing facility” be clearly understood. There are also certain technical provisions in the ADAAG that apply specifically to existing facilities.

The Department of Justice (DOJ) has included additional definitions within their Title II Regulations because they feel some words and phrases merit additional clarification. ‘Existing Facility’ is one of these terms. As the DOJ is responsible for enforcing the ADAAG for Title II entities, their definition should be applied to projects subject to HRS §103-50.

**Ruling:** For buildings or facilities subject to HRS §103-50,

#### **ADAAG Section 106.5 Defined Terms**

**Existing facility** means a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under this part.

[Rul: 01/03/2011] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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